

FILED
12/23/21
CLERK
U.S. BANKRUPTCY
COURT - WDPa

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Case No. 20-20638-GLT
)
Vincent N. Mastroiocco) Chapter 13
Debtors)
) Document No. 69
_____)
Vincent N. Mastroiocco)
Movants,)
vs.)
)
Internal Revenue Service, Pennsylvania)
Department of Revenue, First)
Commonwealth Bank, Citizens Bank, N.A.,)
Toyota Motor Credit Corporation,)
JP Morgan Chase Bank, N.A., Community)
Loan Servicing, LLC, S&T Bank,)
Westmoreland County Tax Claim Bureau,)
AES, Discover Financial Services,)
Firstmark Services, Navient, Uninvest,)
Bayview Loan Servicing, LLC, and)
Ronda J. Winnecour, Chapter 13 Trustee)
Respondents.)

MODIFIED
ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

AND NOW, this 23rd day of December, 2021, upon consideration of the Debtors' Motion for Sale of Property Free and Divested of Liens to McTighe Storage, LLC for \$ 260,000, after hearing held in Courtroom A, 54th Floor, US Steel Tower, Pittsburgh, PA 15219 the Court finds:

- (1) That service of the Notice of Hearing and order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondents, was effected on the following secured creditors:

(2)

Date of Service	Name of Lienor and Security
November 5, 2021 USPS First Class Mail	S&T Bank c/o Brian Kile, Esquire Grenen & Birsic, PC One Gateway Center, Ninth Floor Pittsburgh, PA 15222

November 5, 2021 USPS First Class Mail	Westmoreland County Tax Claim Bureau c/o Timothy Andrews, Esquire 2 North Main Street Greensburg, PA 15601
November 5, 2021 USPS First Class Mail	Univest Capital, Inc. c/o Cohen Fineman LLC Attn: Samuel B. Fineman, Esquire 1999 Marlton Pike E., Suite 4 Cherry Hill, NJ 08003
November 5, 2021 USPS First Class Mail	Univest Capital, Inc. 3220 Tillman Drive Suite 503 PO Box 1329 Bensalem, PA 19020
November 5, 2021 USPS First Class Mail	Univest Capital, Inc. c/o Hugh Connelly, President 10 West Broad Street Souderton, PA 18964

- (3) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by Certificate of Service duly filed and that the named parties were duly served with the Motion.
- (4) That the said sale hearing was duly advertised on the Court's website pursuant to W.P.A. LBR 6004-1(c) on November 5, 2021, in the Westmoreland County Legal Journal on November 19, 2021 and in the Tribune Review on November 18, 2021, as shown by the Proof of Publications duly filed.
- (5) That at the sale hearing no higher offers were received and no objections to the sale were made which would result in the cancellation of said sale.
- (6) That the price of \$ 260,000 offered by McTighe Storage, LLC is a full and fair price for the property in question.
- (7) That the purchaser(s) is/are acting in good faith with respect to the within sale in accordance with In Re: Abbotts Dairies of Pennsylvania, Inc., 788 F.2d 143 (3rd Cir. 1986).

Now therefore, ***IT IS ORDERED, ADJUDGED AND DECREED*** that the private sale by "as is, where is" deed of the real property described as *133 East First Avenue Rear, Derry Boro, Pennsylvania, 15627 (Parcel Numbers 06-01-10-0-465, 06-01-10-0-469, and 06-01-10-0-473)*, is hereby ***CONFIRMED*** to McTighe Storage, LLC, free and divested of the above-recited liens and claims, and that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above-recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, ***that the within decreed sale shall be free, clear and divested of said liens and claims;***

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order*** will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of the Order.

- (1) Delinquent real estate taxes, if any;
- (2) Current real estate taxes, pro-rated to the date of closing;
- (3) Normal closing costs including title search, legal fees, revenue stamps, and any other normal and necessary closing costs;
- (4) Debtors' reasonable attorney fees and reimbursement of costs in the amount of \$2,000.00 payable to Bononi & Company, P.C. (Inclusive of advertising cost of \$ 147.50 for legal advertising in the Tribune review and advertising cost of \$ 48.00 for legal advertising in the Westmoreland County Legal Journal)
- (5) Chapter 13 Trustee "percentage fees" in the amount of \$ TBD payable to "Ronda J. Winnecour, Ch. 13 Trustee";
- (6) Mortgage claims of S&T Bank; and
- (7) The "net proceeds" from the closing as identified on the Combined Closing Statement to be remitted to the Chapter 13 Trustee.
- (8) Other: N/A.

FURTHER ORDERED that:

- (1) Closing shall occur within forty-five (45) days of this Order and, within seven (7) days following closing, the Movant shall file a report of sale;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,

- (3) Within five (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Respondent (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
- (4) In the event McTighe Storage, LLC fails to close under the terms of the contract, the Debtor is authorized to proceed with a closing to the back-up bidder, MMJ Real Estate, LLC on account of its \$260,000 cash bid, without further Court Order.
- (5) The Debtor shall serve this Order on all participating bidders.

Dated: December 23, 2021



GREGORY J. TADDONE, clerk
UNITED STATES BANKRUPTCY COURT

In re:
Vincent N. Mastrorocco
Debtor

Case No. 20-20638-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Dec 23, 2021

User: dpas
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 25, 2021:

Recip ID	Recipient Name and Address
db	+ Vincent N. Mastrorocco, 600 Willow Run Road, Blairsville, PA 15717-4235

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 25, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 23, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor BAYVIEW LOAN SERVICING LLC bnicholas@kmlawgroup.com
Brian M. Kile	on behalf of Creditor S&T Bank bkile@grenenbirsic.com mcupec@grenenbirsic.com;lstanger@grenenbirsic.com
Charles Griffin Wohlrab	on behalf of Creditor U.S. Bank Trust National Association not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association cwohrlab@raslg.com
Corey J. Sacca	on behalf of Debtor Vincent N. Mastrorocco csacca@bononilaw.com coreysacca@gmail.com;bankruptcy@bononilaw.com;bononiecfmail@gmail.com;r39887@notify.bestcase.com;3230706420@filing.docketbird.com
Kristen D. Little	on behalf of Creditor JPMORGAN CHASE BANK NATIONAL ASSOCIATION pakb@logs.com,

District/off: 0315-2

User: dpas

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Date Rcvd: Dec 23, 2021

Form ID: pdf900

Total Noticed: 1

klittle@logs.com;logsecf@logs.com

Michael John Clark

on behalf of Creditor JPMORGAN CHASE BANK NATIONAL ASSOCIATION mclark@squirelaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Preston D. Jaquish

on behalf of Creditor First Commonwealth Bank pjaquish@lenderlaw.com

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 9